

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------|---|---------------------|
| JONATHAN B. GUESSFORD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 23-185-MAK |
| |) | JURY TRIAL DEMANDED |
| CORPORAL STEPHEN DOUGLAS, |) | |
| TROOPER NICHOLAS GALLO, and |) | |
| MASTER CORPORAL RAIFORD BOX, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' ANSWER TO
FIRST AMENDED COMPLAINT**

Defendants Corporal Stephen Douglas, Trooper Nicholas Gallo, and Master Corporal Raiford Box (“Defendants”), by and through undersigned counsel, hereby respond to Plaintiff Jonathan B. Guessford’s (“Plaintiff”) First Amended Complaint as follows:

INTRODUCTION

1. Plaintiff’s introductory statement sets forth Plaintiff’s characterization of his claims, to which no response is required. To the extent a response is required, denied.
2. Plaintiff’s introductory statement sets forth Plaintiff’s characterization of his claims, to which no response is required. To the extent a response is required, denied.
3. Plaintiff’s introductory statement sets forth Plaintiff’s characterization of his claims, to which no response is required. To the extent a response is required, denied.

JURISDICTION AND VENUE

4. This is a reincorporation paragraph to which no response is required.
5. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

6. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

7. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

PARTIES

8. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

9. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

10. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

11. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

GENERAL ALLEGATIONS¹

8. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

9. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

¹ Plaintiff's First Amended Complaint appears to have misnumbered the first paragraph in this section. Defendants repeat the error here to match Plaintiff's numbering scheme.

10. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

11. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

12. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

13. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

14. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

15. Admitted that Corporal Douglas approached Plaintiff to speak with him. The remaining allegations in this paragraph are denied as stated.

16. Admitted that Trooper Gallo approached Plaintiff to speak with him. The remaining allegations in this paragraph are denied as stated.

17. Denied as stated.

18. Denied as stated.

19. Admitted.

20. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

21. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

22. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

23. Admitted that Master Corporal Box announced himself as “the supervisor.” The remaining allegations in the paragraph are denied as stated.

24. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

25. Denied as stated.

26. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

27. This paragraph states a legal conclusion to which no response is required. Defendants are also without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

28. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

29. Denied.

30. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

31. Defendants are without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations in this paragraph. To the extent a response is required, denied.

Count One—First Amendment Retaliation
(42 U.S.C. § 1983)

32. This is a reincorporation paragraph that requires no response.
33. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
34. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
35. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
36. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
37. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
38. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
39. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
40. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
41. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

Count Two—Fourth Amendment
(42 U.S.C. § 1983; Unlawful Detention and Seizure)

42. This is a reincorporation paragraph that requires no response.
43. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
44. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
45. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
46. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
47. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

Count Three—Substantive Due Process
(42 U.S.C. § 1983; Fundamental Liberty)

48. This is a reincorporation paragraph that requires no response.
49. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
50. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
51. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.
52. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

53. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

54. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

55. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, denied.

ATTORNEY FEES

56. Denied.

PRAYERS FOR RELIEF

57. This is a reincorporation paragraph that requires no response.

58. Denied that Plaintiff is entitled to any form of relief.

59. Denied that Plaintiff is entitled to any form of relief.

PLAINTIFF'S DEMAND FOR JURY TRIAL

60. This paragraph is not directed to Defendants and, therefore, requires no response.

AFFIRMATIVE DEFENSES

A. Plaintiff's claims against Defendants are jurisdictionally barred in whole or in part by sovereign immunity pursuant to the Eleventh Amendment of the United States Constitution.

B. Plaintiff's claims against Defendants are jurisdictionally barred in whole or in part by sovereign immunity pursuant to the Delaware Constitution.

C. Defendants are entitled to qualified immunity.

D. Plaintiff has failed to state a claim upon which relief can be granted.

E. Plaintiff has failed to state a claim for which injunctive relief can be granted.

F. Plaintiff's injuries, if any, were not proximately caused by Defendants.

G. Defendants cannot be held liable in the absence of personal involvement in the alleged constitutional deprivations.

H. Defendants reserve the right to assert additional affirmative defenses as further investigation and discovery may demonstrate.

WHEREFORE, Defendants Corporal Stephen Douglas, Trooper Nicholas Gallo, and Master Corporal Raiford Box request that judgment be entered in their favor and against Plaintiff Jonathan B. Guessford, together with costs and fees, including attorneys' fees, and that the Court order such other and further relief as the Court may deem just and proper in this case.

Dated: May 19, 2023

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Nicholas D. Picollelli, Jr.

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